

# **FISCAL NOTE**

## **SB 2689 - HB 2859**

February 29, 2004

**SUMMARY OF BILL:** Provides that the Board of Claims will award compensation in certain instances of wrongful imprisonment and includes the following conditions:

- If the Board of Claims finds by clear and convincing evidence that the claimant was wrongfully convicted and imprisoned and the claimant did not negligently or intentionally contribute to such conviction and imprisonment, the amount of compensation to be awarded will be \$100 per day for each day of incarceration;
- Award is not subject to the \$300,000 limitation of Tenn. Code Ann. § 9-8-307;
- Person must be exonerated on or after January 1, 2000. Claims must be filed before January 1, 2005 or, after that date, within six months following the claimant's exoneration or pardon due to innocence;
- Notice must be given to the attorney general and the district attorney general who participated in the conviction and both shall be allowed to participate in the hearing.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$821,300 One-Time**

**Other Fiscal Impact - Other claims for persons other than the case identified in the bill may be filed and awarded. Such awards are estimated to result in an increase in state expenditures exceeding \$100,000 over time.**

Estimate is based upon the case referenced in the bill, which involved 8,213 days of imprisonment being awarded \$100 for each day of imprisonment.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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